

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

FRANCESK SHKAMBI, #46728-039	§	
VS.	§	CIVIL ACTION NO. 4:16cv189
		CRIMINAL NO. 4:09CR00193-005
UNITED STATES OF AMERICA	§	

ORDER OF DISMISSAL

Movant Francesk Shkambi, a prisoner confined at F.C.I. Elkton, brings this motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The motion was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation (Dkt #12) concluding that the motion should be denied. Shkambi has filed objections (Dkt #13).

Shkambi's objections are simply reassertions of claims raised in his § 2255 motion. He renews his claim that his trial attorney was ineffective for (1) failing to object to a witness referring to him as a fugitive and (2) failing to object to Special Agent Flinchbaugh's summary of the evidence and his opinion as to Shkambi's "business plan." He renews his claim that his appellate attorney was ineffective for failing to appeal (1) the denial of his motion to suppress and (2) the Court's guideline calculation. Magistrate Judge Nowak thoroughly addressed each of these claims and found that they lacked merit.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Shkambi to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Shkambi's objections are

without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that Shkambi's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All other motions not previously ruled on are hereby **DENIED**.

SIGNED this 10th day of December, 2018.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE